

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2001-006342

06/04/2010

HON. PAMELA GATES

CLERK OF THE COURT

E. Toledo

Deputy

IN RE THE MATTER OF  
CYNTHIA LEE THIMMESCH

TERI D MCCALL

AND

PETER ALLAN THIMMESCH

PETER ALLAN THIMMESCH  
11337 STONEHOUSE PL  
POTOMAC FALLS VA 20165

MINUTE ENTRY

Per the parties' agreement the Court enters the following redacted Order,

Applying the relevant statutory factors, including the factors set forth in Arizona Revised Statutes Sections 403, 403.01, 403.03, and 408, the Court concludes that there has been a change in circumstances materially affecting the welfare of the parties' minor children.

**IT IS THEREFORE ORDERED:**

1. This Court finds that it is in the best interests of the parties' minor child to award Mother and Father joint legal custody of their two minor children.
2. Father shall be the primary residential parent of both Andrew and Rebecca.
3. Mother shall be entitled to the following parenting time with Andrew and Rebecca:

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- a. In 2010, Mother shall have parenting time with Andrew from August 10, 2010 until September 3, 2010.
- b. In 2010, Mother shall have parenting time with Rebecca until June 30, 2010. Father shall have parenting time with Rebecca from July 1, 2010 until July 31, 2010. Mother shall again have parenting time with Rebecca from August 1, 2010 until August 14, 2010.
- c. In 2011 and every summer thereafter (until Andrew is emancipated), Mother shall have parenting time with the minor children for nine weeks in the summer (starting one week after school ends and continuing until two weeks before school begins in Virginia). Mother's parenting time must conclude two weeks before Andrew and Rebecca are scheduled to start school in Virginia.
- d. Mother shall also have parenting time with both children on Thanksgiving break in even-numbered years, beginning Tuesday and continuing until Saturday.
- e. Mother is also entitled to parenting time for one half of the Winter Break. Winter Break is defined to begin on Saturday following Andrew's and Rebecca's release from school for Winter Break and ending on the Saturday immediately prior to the minor children's return to school. Mother will have the first half of Winter Break, which shall include Christmas Eve and Christmas in even-numbered years and Father will have the second the half of the Winter Break in even-numbered years. Father will have the first half of Winter Break, which shall include Christmas Eve and Christmas in odd-numbered years and Mother will have the second the half of the Winter Break in odd-numbered years.
- f. Mother is also entitled to parenting time for Fall Break in every year. Fall Break is defined to begin on Saturday following the minor children's release from school for Fall Break and ending on the Saturday immediately prior to the minor children's return to school.
- g. Mother is also entitled to parenting time for Spring Break in every even-numbered year. Spring Break is defined to begin on Saturday following the minor children's release from school for Spring Break and ending on the Saturday immediately prior to the minor children's return to school.

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- h. Father shall pay for 85% of the cost of the children's airfare. Mother shall pay for 15% of the cost of the children's airfare.
4. Each party is entitled to full and unrestricted access to all medical, dental, prescription, and health related records of the children and may secure information from and consult with all health care professionals providing care for the minor children. Each party shall keep the other party informed of the names, addresses, and telephone numbers of all such healthcare providers. A parent who attempts to restrict the release of document or information by the custodian without a prior court order is subject to appropriate legal sanction.
  5. Each party is entitled to equal, full, and unrestricted access to all school records, teachers, and school officials involved in the children schooling. A parent who attempts to restrict the release of document or information by the custodian without a prior court order is subject to appropriate legal sanction.
  6. Both parents shall be listed and identified as contact persons on all school and medical records.
  7. In the event of any emergency or urgent circumstance involving the children, the party then having physical custody of the child shall inform the other party of the nature of the emergency or urgent circumstance as soon as is reasonably possible.
  8. Each party shall have the right to attend and participate in school conferences and activities, extra-curricular activities, and any other similar event in which parents are routinely invited or permitted to attend, even if said event is during the other party's parenting time.
  9. Unless restricted by Court order, each party shall keep the other informed of his/her home address, home telephone number, employer and address, work telephone number, and, if applicable, cellular telephone number and e-mail address. If any of this information changes, the other party shall be informed of the change forty-eight hours in advance, or as soon as possible afterward if advance notice is not possible.
  10. The parties shall jointly decide major life decisions concerning their children. Major life decisions include, without limitation: the selection of schools; educational/special educational plans and needs; the selection of healthcare providers; dental and medical plans and needs; medical treatment; mental health plans, needs, and treatment; and, at times, religious training. In making major life

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decisions concerning the children, each party has an affirmative obligation to (1) confer in good faith with the other party, (2) give equal consideration to the other party's perspective, and (3) work cooperatively with the other party. If the parties decide to seek advice from healthcare professionals or educators, both parties shall be provided with and entitled to such advice before making their decision. If the parties cannot agree after making a good faith effort to come to an agreement regarding a particular issue, the parties shall mediate the dispute prior to initiating a proceeding with the Court, except in cases where there is a genuine and imminent threat to the health, safety, or welfare of the children. Given the extremely high level of conflict between the parties related to Andrew's medical treatment, the Court orders, with regard to Andrew's medical treatment, Father shall have "presumptive decision-making authority." This level of authority shall allow Father the right to make a preliminary decision that he shall then communicate to Mother. If Mother believes that Father's decision is contrary to the best interests of the child, she shall have the right to seek review thereof through the Court. Mother shall have the burden to demonstrate that the decision made by Father regarding Andrew's medical treatment is contrary to the child's best interest. It shall not be sufficient for her to demonstrate that an alternative decision may have also been in the interest of the child. Father's presumptive decision-making authority applies only to Andrew's medical treatment. For all other decisions, the parties have joint legal custody with neither party having presumptive or superior decision-making authority.

11. It is in the furtherance of the best interests for the parents to confer and for the views of each parent to be considered. Therefore, to the extent practical, there shall be communication between the parents to address issues related to the children.
12. Neither party shall make derogatory, disparaging, or similarly negative comments about the other party in the presence of the minor children. Neither party shall discuss family law legal proceedings with the children or use the children as messengers for parenting issues.
13. The parties shall not discuss parenting time scheduling with the children until the scheduling is finalized between the parties. The parties shall assure that the children do not overhear conversations or read emails dealing with scheduling of parenting time.
14. Neither parent shall allow either child to read any email, correspondence, report or pleading regarding this case.

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15. Specifics of flights shall be decided and agreed upon 30 days before the scheduled parenting time.

IT IS FURTHER ORDERED signing this Minute Entry as a formal written order of the Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/S/: PAMELA GATES

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THE HONORABLE PAMELA GATES  
JUDICIAL OFFICER OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.